

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-40114-FDS

TIMOTHY L. LaFRENIER,

Plaintiff

v.

MARY ANNE KINIREY, DANIEL MORRISON,  
The CHIEF OF POLICE "John Doe" and the  
TOWN OF TOWNSEND,

Defendants

LOCAL RULE 16.1(D) JOINT  
SCHEDULING STATEMENT

Now come the parties in the above-referenced action and hereby submit the following Joint Statement pursuant to Local Rule 16.1(D):

1. NATURE OF ACTION

Plaintiff Timothy LaFrenier has instituted this action against the defendants Mary Anne Kinirey, Daniel Morrison, the Town of Townsend and its Chief of Police, alleging various tort and civil rights claims arising out of his arrest on or about June 15, 2001. The plaintiff claims that his arrest was without probable cause, that the defendant officers used excessive force, and that he was denied medical treatment. The defendants deny any wrongdoing.

2. PROPOSED DISCOVERY PLAN

The parties propose the following discovery plan:

- a. Automatic Disclosures shall be served in accordance with L.R. 26.2
- b. Written Discovery will be completed by August 31, 2005.
- c. Depositions of Fact Witnesses will be completed by October 14, 2005.
- d. Plaintiff's Expert Witnesses will be identified by October 31, 2005.
- e. Defendants' Expert Witnesses will be identified by November 15, 2005.
- f. Depositions of Expert Witnesses will be completed by December 15, 2005.

3. MOTION SCHEDULE

All dispositive motions will be served no later than February 3, 2006, but may be filed at any time previous thereto. Discovery motions, to the extent that they are necessary, will be filed prior to the close of discovery. Trial motions are to be served not less than seven (7) days prior to trial, except for good cause.

4. TRIAL BY MAGISTRATE JUDGE

The parties do not consent to a trial before a magistrate judge.

5. LOCAL RULE 16.1 CERIFICATIONS

Counsels have conferred with their clients concerning a budget for the cost of the litigation and the possible resolution of the litigation through alternative dispute resolution. Written certifications have been or will be filed separately.

DEFENDANTS,

PLAINTIFF,

By their attorneys,

By his attorney,

/s/ Gregg J. Corbo

Joseph L. Tehan, Jr. (BBO #494020)  
Gregg J. Corbo (BBO #641459)  
Kopelman and Paige, P.C.  
31 St. James Avenue  
Boston, MA 02116  
(617) 556-0007

/s/ Carol T. Vittorioso

Carol T. Vittorioso (BBO #560046)  
Sean Gallagher (BBO # 551112)  
Vittorioso & Taylor  
19 Water Street  
Leominster, MA 01534  
(978) 537-3500

244517/60700/0594